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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,595	11/02/2000	Antonius H.M. Akkermans	PHN 17,721	2515

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT	PAPER NUMBER
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2697

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DATE MAILED: 08/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/704,595

Applicant(s)

AKKERMANS, ANTONIUS H.M.

Examiner

Jorge L Ortiz-Criado

Art Unit

2697

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 25 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-15.

Claim(s) withdrawn from consideration: _____.

8. ☒ The proposed drawing correction filed on 25 July 2003 is a) ☐ approved or b) ☒ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

NABIL HINDI
PRIMARY EXAMINER
GROUP 2500

2453

Continuation of 2. NOTE: Applicant has proposed changes to claims 3,5,9,11,12 and 15 by changing "signal separation system" to "signal generation system", this changes raise new issues that would require further consideration and/or search. Applicant proposed amendments to claims 3,5,9,11,12 and 15 in order to comply with the 35 U.S.C 112, first paragraph, where the claims contains subject matter, which was not described in the specification, but in the proposed Applicant's amendments, claim 6 is not included. Claim 6 seems to be included into claim 5, a text part regarding claim 6 is missed. They are not deemed to place the application in better form for appeal.

Continuation of 5. does NOT place the application in condition for allowance because: Applicant argued that Gérard et al. fails to disclose "the control signal to cause the FE to be sampled at locations having mutually the same intensity level and wherein the signal generation system does not receive any input that characterizes the intensity of information read from the optical information carrier", as required by claims 1,3,9 and 15. Applicant's arguments have been fully considered but they are not persuasive. Gérard et al. meets all the limitations of the recited claims. Gérard et al. discloses a signal generation system to cause the FE signal to be sampled, as acknowledge by the Applicant and wherein the signal is sample at locations "such as intertrack areas", wherein the FE signal characterizes the intensity level of the radiation reflected from the optical information carrier by; detecting the signal with a photo detecting element, inputting the detected signal to the signal generating system 12, comparing the signal with a reference value that characterizes the intensity level desired into the FE and to outputting a control signal to then sample the FE signal when two conditions, a clock signal and the desired intensity level are met..

Continuation of 10. Other: Applicant proposed amendments regarding drawing corrections are disapproved because block 70 is labeled as a "signal generating means" and in the detailed description is described as a "means 70", the descriptive label given to black box elements should agree with that found in the detailed description in the specification, otherwise the lack of consistency makes the whole disclosure unclear. If applicant wants to use "means" in the drawings, the specification should also refer to the black box in the same way. So the objection to the proposed drawing correction would be due to a lack of consistency and hence clarity. Also in Fig. 1, reference number 63 is not described in the detailed description.